

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

SEP 08 2005

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

HOWARD TAYLOR SMITH,

Defendant.

Crim. Action No. 91-0173-01
LFO/DAR

REPORT AND RECOMMENDATION

Defendant, his counsel, his assigned U.S. Probation Officer and an Assistant United States Attorney appeared before the undersigned United States Magistrate Judge on July 7, 2005 for the conclusion of the hearings with respect to Defendant's violations of his conditions of supervised release. *See* July 23, October 13 and December 7, 2004, and January 11 and July 7, 2005 ECF entries. On July 7, 2005, Defendant conceded each of the nine alleged Grade C violations.*

Defendant, his assigned U.S. Probation Officer and the U.S. Attorney all concurred in a recommendation that (1) Defendant's term of supervised release be revoked; (2) he be sentenced to time served; and (3) no further term of supervised release be imposed. For the cogent reasons set forth by the Probation Office in the memoranda, the undersigned concurs in the recommendation.

Defendant, the Probation Office and the U.S. Attorney all waived a sentencing hearing before the sentencing court.

* A copy of each Form 12 and memorandum is appended to the copy of this Report and Recommendation being provided to the sentencing court.

It is hereby **RECOMMENDED** that the court approve the course of action recommended by all parties, for the reasons set forth by the U.S. Probation Office.

September 8, 2005

/s/
DEBORAH A. ROBINSON
United States Magistrate Judge

APPROVED:

9/22/05
DATE

Louis F. Oberdorfer
LOUIS F. OBERDORFER
United States District Judge